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July 25, 2025

VIA ECF

Honorable Judge Arun Subramanian
United States District Court
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, Courtroom 15A
New York, NY 10007-1312

Re: *Matthew Muckey v. Associated Musicians of Greater New York, et. al.*
No. 1:24-cv-03348 (AS)(RWL)(Related Case, 1:24-24-cv-03356)

Dear Judge Subramanian:

This firm represents plaintiff Matthew Muckey ("Plaintiff") in the above-referenced action against the defendants Associated Musicians of Greater New York, Local 802, American Federation of Musicians ("Local 802") and THE PHILHARMONIC-SYMPHONY SOCIETY OF NEW YORK, INC. a/k/a THE NEW YORK PHILHARMONIC ORCHESTRA (the "Philharmonic") (collectively, the "Defendants"). We write to respectfully request this Court's permission for Plaintiff to submit a combined memorandum of law in response to the motions to dismiss of both Defendants which must be filed by July 29, 2025. We were unable to obtain the consent of Defendants. Counsel for Local 802, Olivia R. Singer, stated during our telephone conference that the reason for the denial was because two motions were filed and that Local 802 objected to the page limit requested. Counsel for the Philharmonic, Ashley R. Lynam, simply responded in an email that "we cannot agree to this request."

The claims in the Amended Complaint affect both Defendants and are intertwined. In fact, the same facts and legal arguments apply to both defendants in the hybrid claim (counts one and two). Thus, permission to file a single memorandum is being requested so that we can avoid having to make numerous cross references between two memoranda of law or repeat facts and legal discussion in the memoranda common to each of the two motions.

In considering this request, we respectfully refer this Court to the prior request made by plaintiff, Liang Wang, in the related action (1:24-cv-03356) for similar relief which was granted by this Court (Docket No. [44](#)).

To the extent permission is granted to file a combined memorandum of law, we respectfully seek permission to file a single memorandum of law, not to exceed 17,500 words, which is the combined number of pages that is permitted under the Court's rules if we were instead to file two separate memoranda of law.

We thank the Court for its consideration.

Respectfully submitted,

/s/ ***Jacqueline C. Gerrald***

By: Jacqueline C. Gerrald